

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

ROBERT BOONE,

Plaintiff,

vs.

STATE OF MONTANA,

Respondent.

CV 21-29-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on March 30, 2021 (Doc. 3). Judge Johnston recommended that Defendants' Petition (Doc. 1) should be DISMISSED without prejudice for lack of jurisdiction, that the Clerk of Court should be directed to enter a judgment of dismissal, and a certificate of appealability should be denied. *Id.*

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United*

States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 3) are **ADOPTED IN FULL**.

1. Defendant Boone's Petition (Doc. 1) is **DISMISSED** without prejudice for lack of jurisdiction;
2. The Clerk of Court is directed to enter judgment of dismissal; and
3. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 14th day of April, 2021.



Brian Morris, Chief District Judge
United States District Court